

ASSEMBLY BILL

No. 558

Introduced by Assembly Members Emmerson and Bogh

February 16, 2005

An act to amend Section 29550 of the Government Code, relating to booking fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 558, as introduced, Emmerson. Booking fees.

Existing law provides that, notwithstanding any other provision of law, a county may impose a fee upon other entities for administrative costs in booking and processing arrested persons.

This bill would make a technical, nonsubstantive change in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 29550 of the Government Code is
2 amended to read:
3 29550. (a) (1) Notwithstanding any other provision of *state*
4 law, a county may impose a fee upon a city, special district,
5 school district, community college district, college, or university
6 for reimbursement of county expenses incurred with respect to
7 the booking or other processing of persons arrested by an
8 employee of that city, special district, school district, community
9 college district, college, or university, where the arrested persons
10 are brought to the county jail for booking or detention. The fee
11 imposed by a county pursuant to this section shall not exceed the

1 actual administrative costs, including applicable overhead costs
2 as permitted by federal Circular A-87 standards, as defined in
3 subdivision (d), incurred in booking or otherwise processing
4 arrested persons. For the 2005–06 fiscal year and each fiscal year
5 thereafter, the fee imposed by a county pursuant to this
6 subdivision shall not exceed one-half of the actual administrative
7 costs, including applicable overhead costs as permitted by federal
8 Circular A-87 standards, as defined in subdivision (d), incurred
9 in booking or otherwise processing arrested persons. A county
10 may submit an invoice to a city, special district, school district,
11 community college district, college, or university for these
12 expenses incurred by the county on and after July 1, 1990.
13 Counties shall fully disclose the costs allocated as federal
14 Circular A-87 overhead.

15 (2) Any increase in a fee charged pursuant to this section shall
16 be adopted by a county prior to the beginning of its fiscal year
17 and may be adopted only after the county has provided each city,
18 special district, school district, community college district,
19 college, or university 45 days written notice of a public meeting
20 held pursuant to Section 54952.2 on the fee increase and the
21 county has conducted the public meeting.

22 (3) Any county that imposes a fee pursuant to this section shall
23 negotiate a reduced fee with any city, special district, school
24 district, community college district, college, or university within
25 the county for any services that are performed by the arresting
26 agency in the processing of arrestees that do not have to be
27 duplicated by the county.

28 (4) This subdivision shall not apply to counties that are under
29 a contractual agreement with a city, special district, school
30 district, community college district, college, or university within
31 the county that is subject to the fee.

32 (b) The exemption of a local agency from the payment of a fee
33 pursuant to this subdivision does not exempt the person arrested
34 from the payment of fees for booking or other processing.

35 (1) Notwithstanding subdivision (a), a city, special district,
36 school district, community college district, college, or university
37 shall not be charged fees for arrests on any bench warrant for
38 failure to appear in court, nor on any arrest warrant issued in
39 connection with a crime not committed within the entity's
40 jurisdiction.

1 (2) Notwithstanding subdivision (a), a city, special district,
2 school district, community college district, college, or university
3 shall not be charged fees for a person who is ordered by a court
4 to be remanded to the county jail except that a county may
5 charge a fee to recover those direct costs for those functions
6 required to book a person pursuant to subdivision (g) of Section
7 853.6 of the Penal Code.

8 (3) Notwithstanding subdivision (a), a city, special district,
9 school district, community college district, college, or university
10 shall not be charged fees for arrests made pursuant to arrest
11 warrants originating outside of its jurisdiction.

12 (4) Notwithstanding subdivision (a), no fees shall be charged
13 to a city, special district, school district, community college
14 district, college, or university on parole violation arrests or
15 probation-ordered returns to custody, unless a new charge has
16 been filed for a crime committed in the jurisdiction of the
17 arresting city, district, college, or university.

18 (5) An agency making a mutual aid request shall pay fees in
19 accordance with subdivision (a) that result from arrests made in
20 response to the mutual aid request except that in the event the
21 Governor declares a state of emergency, no agency shall be
22 charged fees for any arrest made during any riot, disturbance, or
23 event that is subject to the declaration.

24 (6) Notwithstanding subdivision (a), no fees shall be charged
25 to a city, special district, school district, community college
26 district, college, or university for the arrest of a prisoner who has
27 escaped from a county, state, or federal detention or corrections
28 facility.

29 (7) Notwithstanding subdivision (a), no fees shall be charged
30 to a city, special district, school district, community college
31 district, college, or university for arrestees held in temporary
32 detention at a court facility for purposes of arraignment when the
33 arrestee has been previously booked at an entity detention
34 facility.

35 (8) Notwithstanding subdivision (a), no fees shall be charged
36 to a city, special district, school district, community college
37 district, college, or university as the result of an arrest made by
38 its officer assigned to a formal multiagency task force in which
39 the county is a participant. For the purposes of this section,

1 “formal task force” means a task force that has been established
2 by written agreement of the participating agencies.

3 (9) In those counties where the cities and the county
4 participate in a consolidated booking program and where prior to
5 arraignment an arrestee is transferred from a city detention
6 facility to a county detention facility, the city shall not be
7 charged for those tasks listed in subdivision (d) that are a part of
8 the consolidated booking program which were completed by the
9 city prior to delivering the arrestee to the county detention
10 facility. However, the county may charge the actual
11 administrative costs for those additional tasks listed in
12 subdivision (d) that are performed in order to receive the arrestee
13 into the county detention facility. For the 2005-06 fiscal year and
14 each fiscal year thereafter, the county may charge up to one-half
15 of the actual administrative costs for those additional tasks listed
16 in subdivision (d) that are performed in order to receive the
17 arrestee into the county detention facility.

18 (c) Any county whose officer or agent arrests a person is
19 entitled to recover from the arrested person a criminal justice
20 administration fee for administrative costs it incurs in
21 conjunction with the arrest if the person is convicted of any
22 criminal offense related to the arrest, whether or not it is the
23 offense for which the person was originally booked. The fee
24 which the county is entitled to recover pursuant to this
25 subdivision shall not exceed the actual administrative costs,
26 including applicable overhead costs incurred in booking or
27 otherwise processing arrested persons.

28 (d) When the court has been notified in a manner specified by
29 the court that a criminal justice administration fee is due the
30 agency:

31 (1) A judgment of conviction may impose an order for
32 payment of the amount of the criminal justice administration fee
33 by the convicted person, and execution may be issued on the
34 order in the same manner as a judgment in a civil action, but
35 shall not be enforceable by contempt.

36 (2) The court shall, as a condition of probation, order the
37 convicted person, based on his or her ability to pay, to reimburse
38 the county for the criminal justice administration fee, including
39 applicable overhead costs.

(e) As used in this section, “actual administrative costs” include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capital costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating “actual administrative costs.” “Actual administrative costs” may include the cost of notifying any local agency, special district, school district, community college district, college or university of any change in the fee charged by a county pursuant to this section. “Actual administrative costs” may include any one or more of the following as related to receiving an arrestee into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee’s money and creation of cash accounts.

(5) Inventory and storage of an arrestee’s property.

(6) Inventory, laundry, and storage of an arrestee’s clothing.

(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(f) An administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full

1 amount. All fees collected pursuant to this subdivision shall be
2 transmitted by the county auditor monthly to the Controller for
3 deposit in the General Fund. This subdivision applies only to
4 convictions occurring on or after the effective date of the act
5 adding this subdivision and prior to June 30, 1996.

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